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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David P. Bour; Nathan F. Gardner; Werner K. Goetz; Stephen A. Stockman; Tetsuya Takeuchi; Ghulam Hasnain; Christopher P. Kocot; Mark R. Hueschen

Assignee: Lumileds Lighting U.S. LLC

Title: Light Emitting Diodes With Graded Composition Active Regions

Serial No.: 09/912,589 Filing Date: July 24, 2001

Examiner: Wai Sing Louie Group Art Unit: 2814

Docket No.: M-8772 US

San Jose, California

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF APPLICANTS PURSUANT TO 37 C.F.R. 1.131

Dear Sir:

David P. Bour, Nathan F. Gardner, Werner K. Goetz, Stephen A. Stockman, Tetsuya Takeuchi, Ghulam Hasnain, Christopher P. Kocot, and Mark R. Hueschen declare as follows:

1. We are co-inventors in the above-referenced patent application.
2. Attached hereto as Exhibit A is a portion of a figure prepared by one of us prior to May 29, 2001 which shows a simulated band structure for a portion of a light emitting device covered by independent claims 9 and 25.
3. Also attached hereto as Exhibit B is a portion of a figure prepared by one of us prior to May 29, 2001 which shows a simulated band structure for a portion of a light emitting device covered by independent claim 9.
4. The simulated band structures of Exhibits A and B demonstrate that the inventions would work for their intended purpose.

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Serial No. 09/912,589

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We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issued therefrom.

David P. Bour

Date

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10/25/04

Date

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Stephen A. Stockman

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